

NAVACHETANA

# POSH POLICY

SHAISHAVI PROJECT  
CONSULTANTS

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# POSH POLICY

## 1. INTRODUCTION

Navachetana Microfin Services Pvt. Ltd. has a zero-tolerance policy for any act of sexual harassment and any act of retaliation. Navachetana is committed to take all necessary steps in ensuring that its staff works in a safe and respectful environment that is conducive to their professional growth and promotes equality of opportunity.

Navachetana is committed to provide equal opportunity to its employees and strives at creating a healthy working environment that enables employees to work without fear of prejudice, gender bias and sexual harassment. The Company also believes that all employees of the Company have the right to be treated with respect and dignity. Sexual harassment is a grave offence and is, therefore, punishable.

This Policy is aimed at educating employees of their rights against any form of unwelcome sexual behaviour and to provide firm yardsticks that shall not be crossed while in employment with the Company. This Policy is made under the overall ambit and in accordance with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (“Act”) and the Rules framed thereunder.

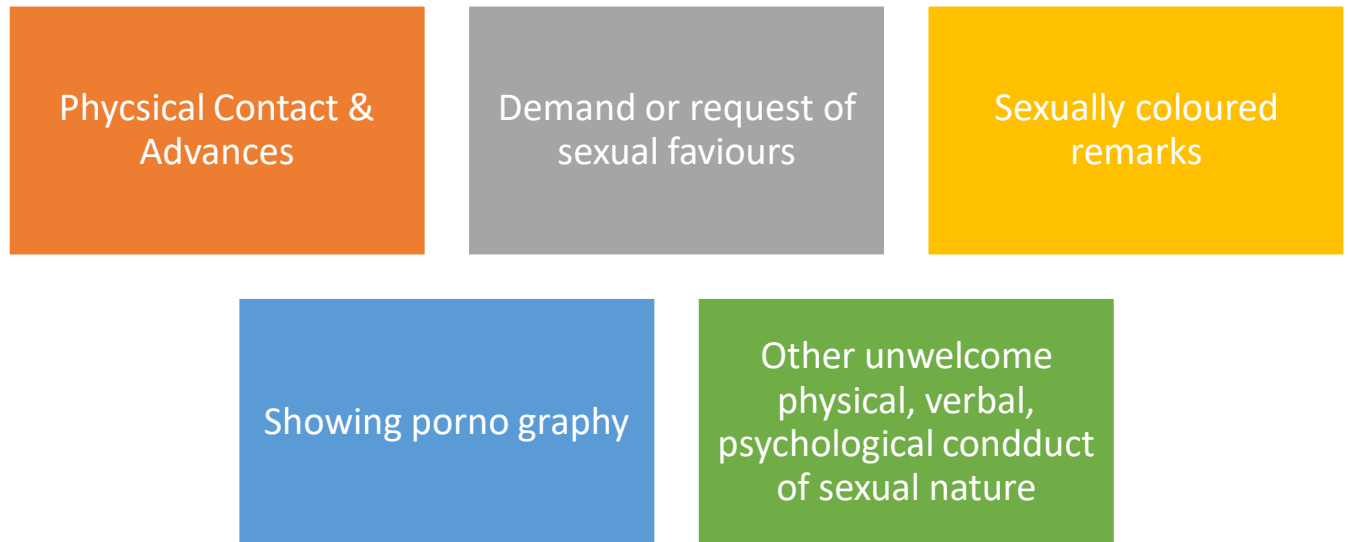
## 2. DEFINITION

- “Act” means the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (14 of 2013) and Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013;
- “Aggrieved woman” means- in relation to a workplace, a woman, of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent;
- "Employee" means a person employed at a workplace for any work on regular, temporary, ad hoc or daily wage basis, either directly or through an agent, including a contractor, with or, without the knowledge of the principal employer, whether for remuneration or not, or working on a voluntary basis or otherwise, whether the terms of employment are express or implied and includes a co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name;
- "Employer" means—
  - any person responsible for the management, supervision and control of the workplace.

- Explanation. —For the purposes of this sub-clause “management” includes the person or board or committee responsible for formulation and administration of policies for such organisation;
- the person discharging contractual obligations with respect to his or her employees
- “incident” means an incident of sexual harassment as defined in sub-clause (k) of this clause;
- “Internal Committee” means an Internal Complaints Committee constituted under section 4 of the Act;
- “Local Committee” means the Local Complaints Committee constituted under section 6 of the Act;
- “Person familiar with issues relating to sexual harassment” means a person familiar with the issues relating to sexual harassment and shall be a person who has expertise on issues relating to sexual harassment and may include any of the following:-
  - a social worker with at least five years’ experience in the field of social work which leads to creation of societal conditions favourable towards empowerment of women and in particular in addressing workplace sexual harassment;
  - a person who is familiar with labour, service, civil or criminal law.
- “respondent” means a person against whom the aggrieved woman has made a complaint under section 9 of the Act;
- “sexual harassment” includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) namely :—
  - physical contact and advances; or
  - a demand or request for sexual favours; or
  - making sexually coloured remarks; or
  - showing pornography; or
  - any other unwelcome physical, verbal or non-verbal conduct of sexual nature
- “special educator” means a person trained in communication with people with special needs in a way that addresses their individual differences and needs”
- “workplace” includes any place where the employee is engaged in work for the employer and any place visited by the employee arising out of or during the course of employment including transportation by the employer for undertaking such journey;

### 3. CONSTITUENTS OF SEXUAL HARRASSMENT

“Sexual Harassment” includes any unwelcome act or behaviour (whether directly or by implication), such as:



Such inappropriate act or behavior could be expressed by conduct such as obnoxious comments or utterances, remarks or jokes, letters, phone calls, messages or emails, gestures, stalking, sounds or display of a nature with sexual overtures.

In order for an aggrieved to make an assessment if a certain conduct was indeed an unwelcome sexual act, the circumstances that surround such behavior should be assessed, such as when a demand or request for sexual favours in return of implicit/explicit promises of work related preferential treatment such as performance appraisals, promotions, transfers, salary increases and employment or any other form of reward or recognition, implicit/explicit threat of detrimental treatment, interference with work or creating a hostile work environment or any humiliating treatment likely to affect health or safety of the aggrieved.

Every employee is to bear in mind that the above are merely indicators of what could be sexual harassment and is not an exhaustive explanation of its ambit.

#### **4. COMPLAINT/INVESTIGATION PROCESS**

The Company is determined to ensure that its employees are treated in a professional manner with utmost safety and any breach or threatened breach of this commitment will be taken up by the Company in a serious manner to ensure justice and fair treatment to all. In order to not only set forth guidelines of professional behaviour by way of this Policy but to ensure an effective mechanism of redressal of any Complaint that may be faced by an employee while in employment with the Company, in accordance with the Act, Company has set up the following investigative mechanism:

Every investigation will be conducted by the Internal Complaints Committee (ICC) in a detailed, transparent and effective manner based on the principles of natural justice. Every employee will be given equal treatment during the investigation process and any aggrieved is urged to take action for any legitimate complaint in the following manner:

1. An aggrieved woman can file a written complaint with the concerned ICC within 3 months of the last occurrence of the alleged incident of Sexual Harassment. However, the 3-month period can be extended at the sole discretion of the ICC for a further period of 3 months if it is satisfied that the circumstances were such which prevented the aggrieved from filing a complaint within the said period. Any person can make a complaint on behalf of the aggrieved provided that the aggrieved has given a written consent to such complainant. In the event that the complaint cannot be made in writing, any member of the ICC will render all reasonable assistance to the aggrieved for making the complaint in writing.
  - Along with complaint, the aggrieved can choose to opt for a conciliation process where under, if a settlement (except for monetary settlement) is arrived at, then no further investigation process will be conducted by the ICC, unless the alleged accused is not in compliance with the settlement terms. No aggrieved can seek a monetary settlement through the conciliation process.
2. Once the ICC receives such written complaint (without a request for conciliation), the ICC will determine whether such complaint will be investigated at regional or central level.
3. The ICC will conduct a formal investigation based on the complaint and will arrive at an appropriate recommendation which shall be implemented by the management of the Company. During the investigation process, the ICC shall be entitled to request for production and discovery of documents and/or summon and enforce attendance of any person and examine such person under oath.

**Interim Relief:** During an investigation process, the aggrieved shall be entitled to request the ICC to recommend to the management for provision of appropriate interim relief in accordance with the Act.

## **5. INQUIRY REPORT**

The Committee shall provide an action report to the employer within the 10 days of completion of Inquiry & the findings report shall be provided to both of the concerned parties. Further during the pendency of inquiry on written request made by the aggrieved the Committee may recommend to the employer to:

- Transfer the aggrieved women or the respondent to any other workplace; or
- Grant leave to the aggrieved women up to a period of three months; or
- Grant such other relief to the aggrieved women as may be prescribed.

\* The leave granted to the aggrieved shall be in addition to the leave she would be otherwise entitled.

Committee will take action in accordance with the provision of the service rules applicable to the respondent or where there is no such rule then action will be taken as prescribed in the act.

The company shall act upon the recommendation of committee within sixty days of its receipt of the report

The Managing Director of the company shall be under an obligation to perform such duties as are covered under Section 19 of the Sexual Harassment of the women at workplace (Prevention prohibition and redressal) Act, 2013.

## **6. ACTION OUT OF INVESTIGATION REPORT**

If the complaint is failed to be proved, the ICC, shall report to the management with the conclusion of the proceedings with no action to be taken;

- If the complaint is proved, the ICC, shall report to the management with the conclusion of the proceedings and pass any recommendation as it deems appropriate including but not limited to:
- A letter of warning that will be placed in the personal file of the accused.
- Immediate transfer or suspension without pay or both.
- Cash Fine.
- Stoppage of increment with or without cumulative effect.

- Reduction in rank.
- Termination/dismissal from the services of the Company.
- Filing a Complaint before the relevant police station/Court.
- Payment of Compensation to the aggrieved women after considering the following factors:
  - The mental trauma, pain, suffering and emotional distress caused to the aggrieved;
  - The loss in the career opportunity due to the incident of sexual harassment;
  - Medical expenses incurred by the victim for physical or psychiatric treatment;
  - The income and financial status of the respondent;
  - Feasibility of such payment in lump sum or in installments.

## **7. ACTION FOR FALSE/MALICIOUS COMPLAINT**

In case if committee arrives at conclusion that the allegation against the respondent is false and the false evidence and misleading documents were produced in front of committee than employer shall take action in accordance with the provisions of the service rules which may include dismissal from the services of the Company or where no such service rules exist then action may be taken as prescribed in act.

## **8. APPEAL**

If an aggrieved is dissatisfied with the outcome of the investigation conducted, the aggrieved shall have the right to make an appeal, within 90 (Ninety) days of the date of conclusion of the investigation proceedings before the ICC.

## **9. CONFIDENTIALITY**

The Company will do everything consistent with enforcement of this Policy and with the law to protect the privacy of the individuals involved and to ensure that the aggrieved and the accused are treated fairly. All information received shall be kept confidential. Any person (including witnesses) who breaches confidentiality shall be subject to serious disciplinary action.

## **10. COUNSELING**

The Company will set up a counselling team which will provide counselling services to the aggrieved on request. This counselling team does not investigate allegations but only provides counselling and support. As the Company is dedicated to safeguard its employees within the work place and otherwise, if any employee is facing any form of Sexual Harassment from any person outside the purview of the Company's investigative and redressal process, the Company will extend necessary support to the employee in any action that such employee intends to take under law.



## **11.EMPLOYER RESPONSIBILITIES**

The Human Resources Department shall have responsibility to:

- Provide a safe working environment at the workplace with shall include safety from the persons coming
- into contact at the workplace;
- Display at any conspicuous place in the workplace, the penal consequences of sexual harassments; and the
- details of ICC;
- Organise workshops and awareness programmes at regular intervals for sensitising the employees with the provisions of the Act and orientation programmes for the members of the Internal Committee;
- Provide necessary facilities to the CICC and RICC, for dealing with the complaint and conducting an inquiry;
- Assisting in securing the attendance of respondent and witnesses before the CICC and RICC, as may be required having regard to the complaint made;
- Provide assistance to the woman if she so chooses to file a complaint in relation to the offence under the Indian Penal Code (45 of 1860) or any other law for the time being in force;
- Cause to initiate action, under the Indian Penal Code (45 of 1860) or any other law for the time being in force, against the perpetrator, or if the aggrieved woman so desires, where the perpetrator is not an employee, in the workplace at which the incident of sexual harassment took place;
- Treat sexual harassment as a misconduct under the service rules and initiate action for such misconduct;
- Monitor the timely submission of reports by the Internal Committee.

## **12. ROLES & RESPONSIBILITIES OF ICC**

The committee is NOT to act as moral police; neither will it intrude on anyone's privacy. The role of the Committee is to create awareness about sexual harassment and to deal with and recommend punishment for non- consensual acts of sexual harassment. Members are expected to be sensitive to the issue and not let personal biases and prejudices (whether based on gender, caste, class) and stereotypes (e.g., predetermined notions of how a "victim" or "accused" should dress up or behave) affect their functioning as members of the committee.

### **A. Preventive**

- To create and ensure a safe environment that is free of sexual harassment, including safety from persons/visitors coming into contact at the workplace.
- To publicize the policy in English and vernacular language widely
- To publicize in English and vernacular language, the names and phone numbers of members of the Committee.

### **B. Gender Sensitization**

Gender Sensitization involves creating awareness about issues of gender and sexuality and working towards and creating an enabling environment of gender justice where all can work together with a sense of personal security and dignity. Sensitization and Awareness will be a basic function of the Committee. This shall be done through organization of trainings from time to time.

### **C. Remedial**

- The mechanism for registering complaints should be safe, accessible, and sensitive.
- To take cognizance of complaints about sexual harassment, conduct enquiries, provide assistance and redressal to the victims, recommend punitive action or take immediate action against the harasser, if necessary.
- To recommend disciplinary action for any complaint registered with the Committee after the enquiry to the Managing Director and to follow-up action and monitor the same.
- To inform the management to arrange for appropriate psychological/ emotional support (in the form of counselling, security and other assistance) to the victim if she so desires.

## **RULES FOR INTERNAL COMPLAINT COMMITTEE**

In pursuance of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013 and the Rules framed there under, Navachetana hereby adopts the following procedure for determining complaints filed to the Internal Complaint Committee (ICC) constituted under the Act.

The procedure complies with the basic principles of natural justice and fair play and has to be adhered to in all complaints, though, in individual complaints, for reasons to be stated in writing, the RICC reserves the right to make exceptions to the procedure stated hereunder.

1. Any aggrieved may make, in writing, a complaint of sexual harassment at work place to the ICC, within a period of three months from the date of incident and in case of a series of incidents, within a period of three months from the date of last incident. 6 copies of a written complaint should be submitted to the Committee or any of its members along with list of witnesses and supporting documents. Additional documents and list of witnesses can be submitted to ICC at a later stage during the proceeding.

Provided that:

- where the aggrieved woman is unable to make a complaint on account of her physical incapacity, a complaint may be filed by – (a) her relative or friend; or (b) her co-worker; or (c) an officer of the National Commission for Women or State Women’s Commission; or (d) any person who has knowledge of the incident, with the written consent of the aggrieved woman;
- where the aggrieved woman is unable to make a complaint on account of her mental incapacity, a complaint may be filed by- (a) her relative of friend; or (b) a special educator; or (c) a qualified psychiatrist or psychologist; or (d) the guardian or authority under whose care she is receiving treatment or care; or (e) any person who has knowledge of the incident jointly with her relative or friend or a special educator or qualified psychiatrist or psychologist, or guardian or authority under whose care she is receiving treatment or care;
- where the aggrieved woman for any other reason is unable to make a complaint, a complaint may be filed by any person who has knowledge of the incident, with her written consent;
- where the aggrieved woman is dead, a complaint may be filed by any person who has knowledge of the incident, with the written consent of her legal heir.

Provided further that where such complaint cannot be made in writing, the Presiding Officer or any other member of the RICC shall render all reasonable assistance to the women for making the complaint in writing.

Provided further that the ICC for the reasons to be recorded in writing, can extend the time limit not exceeding three months, if it is satisfied that the circumstances were such which prevented the women from filing a complaint within the said period.

2. Any complaint received by the members should be immediately forwarded to the Presiding Officer, and this must be notified to other committee members at the earliest and not later than 3 days and a meeting should be called for discussing the matter.
3. The Committee shall discuss and decide on its jurisdiction to deal with the case or reject the complaint prima facie and recommend to the management that no action is required to be taken in the matter.
4. Notice shall be issued to the respondent within 7 working days of receipt of the complaint and 10 working days shall be given for submission of reply (along with the list of witnesses and documents.)
5. The Committee will provide assistance to the aggrieved women, if she so chooses, to file a police complaint in relation to an offence under Indian Penal Code.
6. The Committee may, before initiating an inquiry, at the request of the aggrieved women, take steps to settle the matter between her and the respondent through conciliation.
7. No monetary settlement shall be made as the basis of conciliation. Where a settlement has been arrived at, the ICC shall record the settlement so arrived and forward the same to the employer for necessary compliance.
8. The Committee shall provide the copies of the settlement as recorded under (7) to the aggrieved women and the respondent. Where a settlement is arrived at, no further inquiry shall be conducted by the ICC.
9. If conciliation is found to be not feasible, notice will be issued to both parties for hearing.
10. The Committee may direct the Registrar to ensure the safety and protection of the aggrieved women if and when required.
11. As an interim measure, ICC may recommend
  - the transfer of the aggrieved women or the respondent to another section or Department as deemed fit by the Committee.
  - grant leave to the aggrieved women up to a period of three months or:
  - restrain the respondent from exercising any administrative authority or supervision or academic evaluation of the aggrieved women.
  - grant such other relief to the aggrieved women as the case may require.
12. The Committee shall proceed to make inquiry into the complaint in accordance with the provisions of the service rules applicable to the respondent considering sexual harassment as misconduct.
13. The Presiding Officer shall convene the first hearing of the enquiry. The respondent, the aggrieved women, and the witnesses shall be intimated at least 7 working days in advance in writing of the date, time and venue of the enquiry proceedings. The subsequent proceedings may be on a day-to-day basis, to be decided by ICC.
14. 14. The Committee shall provide reasonable opportunity to the aggrieved women and the respondent for presenting and defending her/his case.

15. The Committee may at any time during the enquiry proceedings, preclude the face-to-face examination of the respondent and the aggrieved women and/or their witnesses keeping in view the need to protect the aggrieved women or the witnesses from facing any serious health and/or safety problems.
16. The Committee may call any person to appear as a witness if it is of the opinion that it shall be in the interest of justice. The aggrieved women/respondent have to submit the written reply before the committee within the specified time given.
17. The Committee shall have the right to summon, as many times as required, the respondent, aggrieved women and/or any witnesses for the purpose of supplementary testimony and/or clarifications.
18. The Committee shall have the power to summon any official papers or documents pertaining to the aggrieved women as well as the respondent.
19. The past sexual history of the aggrieved women shall not be probed into as such information shall be deemed irrelevant to a complaint of sexual harassment.
20. The Committee shall have the right to terminate the enquiry proceedings and to give an ex-parte decision on the complaint, should the respondent fail, without valid ground, to be present for three consecutive hearings convened by the Presiding Officer.
21. The aggrieved women and the respondent, or any one person on her/his behalf, shall have the right to examine written transcripts of the recordings with the exclusion of witnesses' names and identities. Any person nominated by the aggrieved women and/or the respondent on her/his behalf shall be (only) either a student, or a member of the academic or non-teaching staff. No person who has been found guilty of sexual harassment shall be accepted as a nominee. The aggrieved women/respondent should inform the Presiding Officer specifically if they wish to exercise this right. The Presiding Officer shall allow access to such documents on a specific date to be intimated at least two days in advance to each of the parties concerned. At no point in time, however, can the concerned parties take these documents outside the office.
22. The aggrieved women and the respondent shall be responsible for presenting their witnesses before the Committee. However, if the Committee is convinced that the absence of either of the parties to the disputes is on valid grounds, the Committee shall adjourn that particular meeting of the Committee for a period not exceeding five days. The meeting so adjourned shall be conducted thereafter, even if the person concerned fails to appear for the said adjourned meeting without prior intimation/valid ground.
23. All proceedings of the ICC shall be recorded in writing. The record of the proceedings and the statement of witnesses shall be endorsed by the persons concerned as well as the committee members present in token of authenticity thereof. In case the minutes cannot be reduced in writing the same day, as audio recording of the proceedings may be made, and the written proceedings will be authenticated on a next available opportunity.

24. If the aggrieved desires to tender any documents by way of evidence, the Committee can supply true copies of such documents to the respondent. Similarly, if the respondent desires to tender any documents in evidence, the Committee shall supply true copies of such documents to the aggrieved women.
25. In the event the Committee thinks that supplementary testimony is required, the Presiding Officer shall forward to the persons concerned a summary of the proceedings and allow for a time period of seven days to submit such testimony, in person or in writing, to the Committee.
26. The aggrieved women and the respondent shall have the right of cross-examination of all witnesses. However, such cross-examination shall be conducted in the form of written questions and responses via the Committee only. **The respondent shall have no right to directly cross-examine the aggrieved women or her witnesses.**
27. The respondent/aggrieved women may submit to the Committee, a written list of questions that he/she desires to pose to the aggrieved women/witness. The Committee (RICC) shall retain the right to disallow any questions that it has reason to believe to be irrelevant, mischievous, slanderous, derogatory or gender-insensitive.
28. Amicus Curiae can be called for helping the committee if and when required.
29. After concluding its investigation, the Committee shall submit a detailed reasoned report to the Company.
30. If the Committee finds no merit in the allegations, it shall report to the Company.
31. In the event the Committee finds that the allegation(s) against the respondent have been proved, it shall recommend the nature of action to be taken by the Company. The following actions may be recommended:
- A written apology
  - Warning
  - Reprimand or censure
  - Withholding of promotion
  - Withholding of pay rise or increments
  - Undergoing a counseling session
  - Carrying out of community service
  - Terminating the respondent from service
  - Any other punishment according to the service rules applicable to the respondent
32. When the Committee arrives at the conclusion that the allegation against the respondent is malicious or the aggrieved women or any other person making the complaint has made the complaint knowing it to be false or the aggrieved women or any other person making the complaint has produced any forged or misleading document, it may recommend to the Company to take action against such falsification.
33. Nothing precludes the Company authority from taking cognizance of any new fact or evidence which may arise or be brought before it during the pendency of the inquiry proceedings or even after the communication of the findings to appropriate Company authorities.

34. If the allegation(s) is/are proved against the respondent, the Committee may direct the Company to ensure the payment of compensation to the aggrieved women by the respondent. The determination of compensation to the aggrieved women shall be decided based on the following facts:
- The mental trauma, pain, suffering and emotional distress caused to the aggrieved women.
  - The loss of career opportunity due to the incident of sexual harassment.
  - Medical expenses incurred by the victim for physical or psychiatric treatment.
  - The income and financial status of the respondent
  - Feasibility of such payment in lumpsum or in installments
35. The authorities will file a compliance report to the Committee within 30 days of issuance of such recommendation.
36. ICC shall have the necessary powers to take suo motu notice of incidents of sexual harassment and/or gender injustice in the Company campus and act against the same in such manner as it deems appropriate.
37. The identity of the aggrieved women, respondent, witnesses and proceedings of the Committee and its recommendations and the action taken by the Company shall not be published, communicated or made known to the public, press or media in any manner and it will be outside the purview of the Right to Information Act, 2005.
38. No legal practitioner will be allowed to represent either the aggrieved women or the respondent in proceedings before the Complaints Committee.
39. The Committee has the powers of a civil court in the following cases
- Summoning and enforcing the attendance of any person related to the incident.
  - Requiring the discovery and production of any documents
  - Any other matter relating to the incident as decided by the Committee from time to time.
40. The aggrieved women or respondent may prefer an appeal to the competent authority.

#### **APPEAL TO ICC**

If an aggrieved is dissatisfied with the outcome of the investigation conducted by the ICC, the aggrieved shall have the right to make an appeal, within 90 (Ninety) days of the date of conclusion of the investigation proceedings before the ICC. The procedure for redressal of the complaint by ICC shall be as aforesaid